UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,029	03/17/2004	Anthony Cake	455610-2490.2	5619

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EXAMINER
BLACKMAN, ANTHONY J

ART UNIT	PAPER NUMBER
2676	

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/803,029	CAKE ET AL.
	Examiner	Art Unit	
	ANTHONY J BLACKMAN	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*06 January 2005*</u>.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
　　closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*53-77*</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*53-77*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date <u>12/16/05</u>.

4)☒ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. *1/6/05* .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement (IDS) submitted on 12/16/04 is being

considered by the examiner.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for
> patent, published under section 122(b), by another filed in the United States before the invention by
> the applicant for patent or (2) a patent granted on an application for patent by another filed in the
> United States before the invention by the applicant for patent, except that an international application
> filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of
> an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 53 and 56-77 are rejected under 35 U.S.C. 102(e) as being anticipated

by ZINK et al, US Patent No. 6,738,964.

4.   As per claim 53, examiner interprets ZINK et al to disclose An editor for

modifying a processing sequence (column 7, lines 50-57) by editing the

configuration of a processing web (column 6, lines 12-24), comprising:

means for determining a current state of said processing web (the component creator

determines the state/what properties will be included in a component, whether the

properties can be modified and when the properties are accessible-column 7, lines 50-

57 and figure 23 illustrates how a script may query the environment to achieve a

particular result is equivalent to the feature as claimed – see column 24, lines 36-67),

including one or more processing elements and connections there between in said

processing web (the component assembly tool performs editing and the components

and blocks are equivalent to processors – column 6, lines 12-24); and

a selector for selecting and editing at least one of said processing elements of said

processing web (the component assembly tool 507 performs editing and the

components and blocks are equivalent to processors performing the function as recited

in the claim language – see the drag and drop means is equivalent to selecting and

editing means - column 6, lines 12-24);

whereby said processing sequence is modified in accordance with the editing of said at

least one processing element (column 6, lines 12-24).

5.   As per claim 56, ZINK et al , meet limitations of claim 53, including, wherein said

editing of said at least one processing element includes changing a connection of at

least one pin of said at least on processing element (column 20, lines 19-29).

6.   As per claim 57.   The editor of claim 53, wherein said editing of said at least one

processing element includes adding another processing element to said processing web

(is equivalent to the component creator adding at least event inputs and event outputs –

see column 20, lines 19-29).

7.   As per claim 58, Zink et al meet limitations of claim 57, including, wherein said

another processing element is added to said processing web by dragging a

representation of said processing element onto a display representative of said

processing web (column 6, lines 12-24), and connecting inputs and outputs of said

another processing element to the inputs and outputs of other existing processing elements (column 20, lines 19-29).

8.   As per claim 59, ZINK et al meet limitations of claim 53, including, wherein said editing of said at least one processing element includes modifying the definition thereof (the component assembly tool 507 comprises a drag and drop means to facilitate "component assembly"/editing/modifying and further, the component creator, see column 7, lines 50-57, also determines what properties will be included, whether they can be modified, and when they are accessible provides an equivalent to modifying the definition).

9.   As per claim 60, Zink et al meet limitations of claim 59, wherein modifying the definition of said at least one processing element includes modifying one or more operating parameters thereof (the component assembly tool 507 comprises a drag and drop means to facilitate "component assembly"/editing/modifying and further, the component creator, see column 7, lines 50-57, also determines what properties will be included, whether they can be modified, and when they are accessible provides an equivalent to modifying at least one of the parameters).

10.   As per claim 61, ZINK et al meet limitations of claim 53, further comprising a viewing element being added to said processing web to view a live, real time output at the location of said viewing element (see the Data viewer applets – column 6, lines 42-53).

11.   As per claim 62, examiner interprets Zink et al to meet limitations for A

processing web editor for modifying a processing sequence (column 7, lines 50-57) by

editing a graphical representation of a processing (column 6, lines 12-24), comprising:

means for determining a current state of said processing web (the component creator

determines the state column 7, lines 50-57 and figure 23 illustrates how a script may

query the environment to achieve a particular result is equivalent to the feature as

claimed – see column 24, lines 36-67);

a renderer for generating a graphical representation of said processing web (is

equivalent to the "offering the user a graphical drawing environment – column 6, lines

19-24) by:

determining a first processing element of said processing web (figure 9, element 1001 is

the first of many connective blocks equivalent to processing elements, see column 8,

line 38-column 9, line 9);

placing said first processing element (figure 9, element 1001 is equivalent to a

processing element) in a particular location based at least

in part upon its location in said processing web and various inputs to and outputs

from said first processing element/figure 9, element 1001 (placement is inherent as with

figure 9, element 1001 and element 1002 and so on- column 8, line 38-column 9, line

9);

determining a second processing element of said processing web figure (figure 9,

element 102 persuant to element 1001 see - column 8, line 38-column 9, line 9);

placing said second processing element in a particular location based at

least in part upon its location in said processing web)placement is inherent as with

figure 9, element 1001 and 1002 and so on – column 8, line 38-column 9, line 9),

various inputs to and outputs from said second processing element (column 8, line 38-

column 9, line 9, including figure 8a that shows "various inputs and outputs"),   and a

relationship between said second processing element and said first processing element

(figure 9, elements 1001 and 1002 represent separate processors (claimed) and

connective blocks, see – column 8, line 38-column 9, line 9), and

connecting at least one pin of said first processing element to one pin of

said second processing element (this feature is inherent between elements 1001 and

1002 and supported by figures 8a-8d), and

a selector for selecting and editing at least one processing element of said processing

web (the component assembly tool 507 performs editing and the components and

blocks are equivalent to processors performing the function as recited in the claim

language – see the drag and drop means is equivalent to selecting and editing means -

column 6, lines 12-24);

whereby said processing sequence is modified in accordance with the editing of said at

least one processing element (column 6, lines 12-24).

12.   As pert claim 63, ZINK et al meet limitations of claim 62, including, wherein a list

of available processing elements (components are equivalent to the processing

elements provided by the component gallery 503) is provided (column 5, lines 47-61).

13.   As per claim 64, ZINK et al meet limitations of claim 63, including, wherein these

processing elements are categorized (see sorting means for component gallery 503) by

function (see sorting components based on user-defined preferences for component

gallery 503- column 5, lines 47-61).

14.   As per claim 65, ZINK et al meet limitations of claim 62, including, wherein upon

selection of a processing element allows for the modifying of any parameter (see user-

defined preferences for component gallery 503) regarding said selected processing

element (column 5, lines 47-61).

15.   As per claim 66, examiner interprets ZINK et al to disclose An editor for

modifying a processing sequence (column 7, lines 50-57) by editing the configuration of

a processing web (column 6, lines 12-24), comprising:

means for determining a current state of said processing web(the component creator

determines the state/what properties will be included in a component, whether the

properties can be modified and when the properties are accessible-column 7, lines 50-

57 and figure 23 illustrates how a script may query the environment to achieve a

particular result is equivalent to the feature as claimed – see column 24, lines 36-67),

including one or more processing elements and connections there between in said

processing web(the component assembly tool performs editing and the components

and blocks are equivalent to processors – column 6, lines 12-24); and

a selector for selecting and editing at least one connection between said processing

elements of said processing web(the component assembly tool 507 performs editing

and the components and blocks are equivalent to processors performing the function as

recited in the claim language – see the drag and drop means is equivalent to selecting

and editing means - column 6, lines 12-24);

whereby said processing sequence is modified in accordance with the editing of said at

least one connection (the component assembly tool 507 performs editing and the

components and blocks are equivalent to processors performing the function as recited

in the claim language – see the drag and drop means is equivalent to selecting and

editing means - column 6, lines 12-24. For further support of editing/modifying at least

one connection refer to adding pins to the component - see column 20, lines 19-29).

16.   As per claim 67, ZINK et al meet limitations of claim 66, wherein when said at

least one connection is requested to be edited, a determination is made whether said

processing elements to be connected by said at least one connection are compatible

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(see column 4, lines 34-53 - discusses  interconnecting
components for the Graphical solutions development system 500 of
FIG. 5 to be combined with (see column 5, lines 29-46) the
compatibility connection means by the component publisher 501 of
the Graphical solutions development system 500.

 (column 5, lines 29-46);
    FIG. 7 provides an overall block diagram of graphical
solutions development
system 500.  Because the ultimate goal is to provide the user
with a powerful
graphical design capability based on pre-engineered components,
the initial
task is to provide the ability to create compatible components.
The component
publisher 501 is an applet designed to create fully compatible
components 502.
The component publisher 501 creates a sequence of dialog windows
(i.e. a
wizard) that is designed to gather relevant information from the
user regarding
the component being published.  Information supplied by the
component creator
may include the name of the component, the date of publication,
the revision
number, resources that need to be included to assure primary
functionality,
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interfaces, and other miscellaneous items.   When the dialog with
the user is
completed, component publisher 501 employs a standardized
formatting procedure
to package all of the information and resources into a single

convenient file.
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17.   As per claim 68, ZINK et al meet limitation of claim 67, including, wherein if it is

determined that said processing elements are compatible and of the same format, the

connection is made (see column 23, line 51-column 24, line 35. The graphical solutions

development system (GSDS) scripting (program language/scripts) delivers format

processing required for subsequent processing operations (column 23, lines 51-60) and

GSDS includes wire and pin connection means between components/blocks/

processors – column 23, lines 61-column 24, line 5) and column 24, lines 25-35 discuss

how to pass data or events from one component to another through improvement in the

scripts).

18.   As per claim 69, ZINK et al meet limitations of claim 67, wherein if it is

determined that said processing elements are compatible but of different formats, an

adapter is automatically inserted between the processing elements (It is inherent that

the GSDS scripting means discussed provides compatible format processing as claimed

–see – column 24, lines 25-35. Further, the script processing created by a component

designer (see column 24, lines 25-35) provides the functional equivalence to the

adapter means).

19.   As per claim 70, ZINK et al, meet limitations of claim 69, including, wherein said

adapter comprises a plurality of processing elements. Referring to the GSDS script

processing means of column 23, line 51- column 24, line 35, it is inherent that the script

processing created by a component designer (see column 24, lines 25-35) provides the

functional equivalence to the adapter means comprising a plurality of elements.

Accordingly, this feature as recited in the claim language is not novel and or unique.

20.   As per claim 71, ZINK et al meet limitations of claim 67, wherein if it is

determined that said processing elements are not compatible, a connection is not made

there between (see column 18, lines 7-29.; it is inherent that within the filtering

capabilities of the GSDS component gallery providing a listing of the components that

will **only** (column 18, lines 13-14 and 22-26, wherein, only is underlined and highlighted

for emphasis to show that a connection will not be made when if it is determined that

said processing elements are not compatible).

21.   As per claim 72, examiner interprets ZINK et al to disclose

A[n] method for modifying a processing sequence (column 7, lines 50-57) by editing the

configuration of a processing web (column 6, lines 12-24), comprising the steps of:

determining a current state of said processing web (the component creator determines

the state/what properties will be included in a component, whether the properties can be

modified and when the properties are accessible-column 7, lines 50-57 and figure 23

illustrates how a script may query the environment to achieve a particular result is

equivalent to the feature as claimed – see column 24, lines 36-67), including one or

more processing elements and connections there between in said processing web (the

component assembly tool performs editing and the components and blocks are

equivalent to processors – column 6, lines 12-24); and

selecting and editing at least one connection between said processing elements of said

processing web (the component assembly tool 507 performs editing and the

components and blocks are equivalent to processors performing the function as recited

in the claim language – see the drag and drop means is equivalent to selecting and

editing means - column 6, lines 12-24);

whereby said processing sequence is modified in accordance with the editing of said at

least one connection (the component assembly tool 507 performs editing and the

components and blocks are equivalent to processors performing the function as recited

in the claim language – see the drag and drop means is equivalent to selecting and

editing means - column 6, lines 12-24. For further support of editing/modifying at least

one connection refer to adding pins to the component - see column 20, lines 19-29).

22.   As per claim 73, the recited claim language of claims 73 and 67 are

substantially similar.

23.   As per claim 74, the recited claim language of claims 74 and 68 are

substantially similar.

24.   As per claim 75, the recited claim language of claims 75 and 69 are substantially

similar.

25.   As per claim 76, the recited claim language of claims 76 and 70 are substantially

similar.

26.   As per claim 77, the recited claim language of claims 77 and 71 are substantially

similar.

Claim Rejections - 35 USC § 103

27.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

28.   Claims 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Zink et al, US Patent No. 6,738,964 in view of WILSON et al, US Patent No.

5,400,246.

29.   As per claim 54, ZINK et al meet limitations of claim 53, however, does not

expressly teach wherein said editor edits said first processing element to indicate an

update indicating a time during which said first processing element is to consume

additional input data/updating the values. WILSON at least suggests further comprising

the step of   said first processing element indicating a time   during which said first

processing element is to consume additional input data/updating the values (column 30,

lines 3-22 and 38-51 indicate current status means). It would have been obvious to one

skilled in the art at the time of the invention to utilize the following features and

limitations;

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"In review, it can now be seen that the present invention
provides a
peripheral data acquisition, monitor, and adaptive control
system which allows
the user to easily create, modify, and test complex control
system
configurations on a personal computer.  The program can be
configured to orient
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the user with respect to the physical location and function of
the equipment
being controlled by the system column 35, lines 9-16" of WILSON
et al to modify the hardware and software graphical solutions
development system of ZINK et al because WILSON et al's
"…adaptive control system which allows
the user to easily create, modify, and test complex control
system
configurations on a personal computer (column 35, lines 9-16)

providing greater user operability and control in monitoring the

development system of ZINK et al. Therefore, it would have been

obvious to one skilled in the art at the time of the invention

to modify ZINK et al with WILSON et al.

30.   As per claim 55, ZINK et al meet limitations and features of claim 54, however,

does not expressly teach wherein said update is controlled by an update processing

element . WILSON et al at least suggest wherein said update is controlled by an update

processing element (column 30, lines 3-22 and 38-51 indicate current status means

discuss the means of an update processing element that bears similar results to the

recited claim language). It would have been obvious to one skilled in the art at the time

of the invention to utilize the following features and limitations;

"In review, it can now be seen that the present invention
provides a
peripheral data acquisition, monitor, and adaptive control
system which allows
the user to easily create, modify, and test complex control
system
configurations on a personal computer. The program can be
configured to orient
the user with respect to the physical location and function of
the equipment
being controlled by the system column 35, lines 9-16" of WILSON
et al to modify the hardware and software graphical solutions

development system of ZINK et al because WILSON et al's
"...adaptive control system which allows
the user to easily create, modify, and test complex control
system
configurations on a personal computer (column 35, lines 9-16)

providing greater user operability and control in monitoring the

development system of ZINK et al. Therefore, it would have been

obvious to one skilled in the art at the time of the invention

to modify ZINK et al with WILSON et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ANTHONY J BLACKMAN whose telephone number is

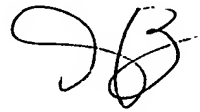703-305-0833. The examiner can normally be reached on FLEX SCHEDULE.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, MATTHEW BELLA can be reached on 703-308-6829. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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Business Center (EBC) at 866-217-9197 (toll-free).

ANTHONY J BLACKMAN
Examiner
Art Unit 2676

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